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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:12-cv-04177-HRL
)	
Plaintiff,)	[PROPOSED] STIPULATED ORDER
v.)	FOR PERMANENT INJUNCTION AND
)	CIVIL PENALTY JUDGMENT
GOOGLE INC.,)	
)	
Defendant.)	
)	
)	

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC” or the “Commission”), has commenced this action by filing a Complaint pursuant to Sections 5(I) and 16(a) of the Federal

* Member in good standing of the New York Bar, which does not issue bar numbers.

1 Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(*I*) and 56(a). Defendant, Google Inc.
2 (“Defendant”), has waived service of the summons and the Complaint. The parties, represented
3 by the counsel identified below, have agreed to this settlement of the action without adjudication
4 of any issue of fact or law.

5 The parties have consented to the entry of this Stipulated Order for Permanent Injunction
6 and Civil Penalty Judgment (“Order”) to resolve all matters of dispute between them in this
7 action and any claim that Defendant’s conduct in connection with the matters alleged in the
8 Complaint violated the FTC Act or the FTC Decision and Order in FTC Docket No. C-4336
9 (2011) (“the FTC Order”). However, this Stipulated Judgment and Order does not resolve or
10 impact any matter alleged to violate the antitrust laws of the United States.

11 THEREFORE, it is hereby ORDERED as follows:

12 **STIPULATED FACTS**

13 1. In its Complaint, Plaintiff alleges that Defendant violated Part I of the FTC Order.

14 2. Defendant denies any violation of the FTC Order, any and all liability for the
15 claims set forth in the Complaint, and all material allegations of the Complaint save for those
16 regarding jurisdiction and venue.

17 3. This Court has jurisdiction over the subject matter of this case and jurisdiction
18 over all parties pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355, and 15 U.S.C. §§ 45(*I*)
19 and 56(a).

20 4. Venue is proper as to all parties in this District.

21 5. The Complaint states a claim upon which relief may be granted against Defendant
22 under Section 5(*I*) of the FTC Act, 15 U.S.C. § 45(*I*).

23 6. The alleged acts and practices of Defendant are in or affecting commerce, as
24 defined in Section 4 of the FTC Act, 15 U.S.C. § 44, as “commerce among the several States or
25 with foreign nations.”

26 7. Defendant enters into this Order freely and without coercion. Defendant further
27 acknowledges that it has read the provisions of this Order and is prepared and able to abide by
28 them.

8. Defendant waives any claim that it may hold under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order, and agrees to bear its own costs and attorneys' fees.

DEFINITIONS

1. “Defendant” means Google Inc. and its successors and assigns.

2. “DoubleClick.net Cookie” means any third-party cookie Google has placed from doubleclick.net.

3. “Browser” means a standalone desktop or mobile software application that allows users to enter URLs and navigate to and display web pages.

I. CIVIL PENALTY JUDGMENT

IT IS ORDERED that judgment in the amount of twenty-two million five hundred thousand dollars (\$22,500,000) is hereby entered against Defendant as a civil penalty pursuant to Section 5(*l*) of the FTC Act, 15 U.S.C. § 45(*l*).

A. Within five (5) days of entry of this Order, Defendant shall transfer the civil penalty payment in the form of an electronic fund transfer in accordance with the procedures specified by the Consumer Protection Branch, Civil Division, U.S. Department of Justice, Washington, DC 20530.

B. In the event of any default in payment, the entire unpaid amount, together with interest, as computed pursuant to 28 U.S.C. § 1961 from the date of default to the date of payment, shall immediately become due and payable.

C. Defendant relinquishes all dominion, control, and title to the funds paid to the fullest extent permitted by law. Defendant shall make no claim to or demand for return of the funds, directly or indirectly, through counsel or otherwise.

II. REMEDIATION

Until February 15, 2014, Defendant will maintain systems configured to instruct Safari-brand web browsers to expire any DoubleClick.net cookie placed by Defendant through February 15, 2012 if those systems encounter such a cookie, with the exception of the DoubleClick opt-out cookie.

III. COMPLIANCE REPORTING

Google shall file a report, under penalty of perjury, with the Commission within twenty (20) days after February 15, 2014 setting forth how it has complied with the Remediation requirement. Unless otherwise directed in writing by a representative of the Commission, the report shall be emailed to Debrief@ftc.gov and sent by overnight courier (not the U.S. Postal Service) to the Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580, with the subject line "In re Google Inc., FTC File Number C-4336."

SO ORDERED this 16th day of Nov, 2012.



UNITED STATES DISTRICT JUDGE

1 **FOR PLAINTIFF UNITED STATES OF AMERICA:**

2 STUART F. DELERY

3 Acting Assistant Attorney General, Civil Division

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15 Dated: 8/7/12

1 **FOR THE FEDERAL TRADE COMMISSION:**

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10 Dated: 7/31/12

FOR THE DEFENDANT:

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Dated: 6 / 18 / 12

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Dated: _____

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Dated: 6/18/12